

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 826

Introduced by Assembly Member Nava

February 18, 2005

An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code, and to add Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as amended, Nava. California Farm to School Child Nutrition Improvement Program.

Existing law, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at schoolsites, as specified.

This bill would establish the California Farm to School Child Nutrition Improvement Program. This bill would require the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of Health Services, to implement the program. This bill would require the State Department of Education to offer voluntary farm to school workshops and training *sessions*, as specified, to school food service directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. This bill would require the Department of Food and Agriculture, to the extent funding is

available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program. *This bill would allow the State Department of Education to contract with qualified organizations, as specified, for general or specialized services to implement those provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 9100) is added to Chapter 10 of Part 6 of the Education Code, to read:

Article 3. California Farm to School Child Nutrition
Improvement Act

9100. The Legislature finds and declares all of the following:

(a) According to the ~~CDC~~ *Centers for Disease Control and Prevention*, less than 20 percent of young people and only about 25 percent of adults eat the recommended five or more servings of fruits and vegetables each day. A recent study in the *New England Journal of Medicine* finds that, unless reversed, in the next 50 years obesity will shorten life expectancy in the United States by two to five years, exceeding the impact of cancer or heart disease.

(b) *The State Department of Health Services, pursuant to Article 2 (commencing with Section 104650) of Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, has implemented the “5 A Day-For Better Health” program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.*

~~(b)~~

(c) The 2002 Farm Bill encourages schools participating in the National School Lunch Program and the School Breakfast Program to purchase local foods where practicable. The USDA Food and Nutrition Service encourages food service directors to purchase from farmers in their region.

1 ~~(e) About 100 schools in 20~~

2 *(d) About 250 schools in 50 school districts in California have*
3 *worked successfully with local farmers to implement Farm to*
4 *School programs that provide fresh, locally grown fruits and*
5 *vegetables to school cafeterias, but various barriers restrict their*
6 *broader adoption.*

7 ~~(d)–~~

8 *(e) Farm to School programs link schools and farms in order*
9 *to provide fresh seasonally grown farm commodities for school*
10 *meals and snacks, help children develop healthy eating habits*
11 *and improve farmers' incomes and direct access to markets.*

12 *(f) In addition to procuring farm fresh foods for school menus,*
13 *including salad bars, meals and snacks, Farm to School*
14 *programs often include activities that provide students with*
15 *hands-on learning opportunities, such as farm visits, cooking*
16 *demonstrations, and school gardening and composting*
17 *programs, and integrate nutrition and agriculture education into*
18 *school curricula.*

19 *(g) Farm to School programs do all of the following:*

20 *(1) Improve the nutritional quality of foods served in school*
21 *lunch programs and prevent obesity and obesity in an effort to*
22 *prevent obesity and other diet-related diseases.*

23 *(2) Provide opportunities for local farmers, particularly small-*
24 *and medium-scale farmers, farmers to market directly to local*
25 *schools, thereby reducing labor and transportation costs and*
26 *earning a higher net profit than when selling to a wholesale*
27 *distributor.*

28 *(3) Offer students fresh, ripe, seasonal fruits and vegetables*
29 *that are bursting with flavor so they learn to like foods at a time*
30 *when they are developing life-long eating habits.*

31 *(4) Reinforce nutrition education that occurs in the classroom*
32 *by increasing access to fresh fruits and vegetables through the*
33 *National School Lunch Program.*

34 *(5) Strengthen the economic viability of local farms, and*
35 *thereby strengthen local rural economies, discourage the*
36 *conversion of farmland, and prevent urban sprawl.*

37 ~~(4)–~~

38 *(6) Provide a useful model to farmers and the state for the*
39 *creation of Farm to Cafeteria programs that link local farmers*
40 *farmers directly with other public and private institutions that*

1 serve meals, including universities, hospitals, nursing homes, and
2 prisons.

3 ~~(e)–~~

4 *(h)* A successful statewide Farm to School program will
5 require the resources, expertise, and collaboration of a variety of
6 state agencies, including the Department of Education, the State
7 Department of Food and Agriculture, and the State Department
8 of Health Services.

9 ~~(f)–~~

10 *(i)* It is in the interest of the state to take all feasible steps to
11 diminish barriers to, and encourage the implementation of, Farm
12 to School programs, in order to improve child nutrition and
13 strengthen local *and regional* farm economies. It is further in the
14 interest of the state that all state agencies with a responsibility to
15 implement a statewide Farm to School program take all feasible
16 steps to collaborate effectively and provide available resources to
17 ensure the success of the program.

18 9101. This article shall be known and may be cited as the
19 California Farm to School Child Nutrition Improvement Act.

20 9102. For the purposes of this article, the following terms
21 have the following meanings:

22 (a) “CDFA” means the Department of Food and Agriculture.

23 (b) “DHS” means the State Department of Health Services.

24 ~~(c) “DoD” means the United States Department of Defense.~~

25 *(c) “DoD Fresh Fruit and Vegetable Program” means a*
26 *program administered by the United States Department of*
27 *Defense that uses the produce purchasing infrastructure of that*
28 *department to buy fresh fruits and vegetables from in-state*
29 *farmers for public institutions other than military bases.*

30 *(d) “Farm to School Program” means the California Farm to*
31 *School Child Nutrition Improvement Act established pursuant to*
32 *this article.*

33 *(e) “5 A Day-For Better Health” means the program*
34 *implemented by DHS pursuant to Article 2 (commencing with*
35 *Section 104650) of Chapter 2 of Part 3 of Division 103 of the*
36 *Health and Safety Code for the purpose of promoting public*
37 *awareness of the need to increase the consumption of fruits and*
38 *vegetables as part of a low-fat, high-fiber diet in order to*
39 *improve health and prevent major chronic diseases, including*
40 *diet-related cancers.*

(f) “Offering list” means the list of products available through the DoD Fresh Fruit and Vegetable Program of the United States Department of Defense that schools receive from the Department of Education.

9103. It is the policy of the state to encourage and take all feasible steps to increase the *direct* purchase of locally grown and California grown farm products by public schools and to assist school districts and farmers in establishing and maintaining successful Farm to School programs. It is further the policy of the state to state to, as feasible, expand the Farm to School concept to other public institutions, including, but not limited to, universities, public hospitals, and correctional facilities.

9104. (a) The California Farm to School Child Nutrition Improvement Program is hereby created. Except as otherwise provided in law, the California Farm to School Child Nutrition Improvement Program shall be implemented by the department, in collaboration with the CDFA and DHS. The department, Improvement Program is hereby established. The program shall be implemented by the department, subject to the conditions of Section 9105, CDFA, and DHS shall take all feasible steps to establish a collaborative and unified working relationship that recognizes the specific expertise of the agencies and makes effective use of that expertise and any available financial resources of the agencies to most efficiently and effectively implement a successful program.

(b) The purposes of the program include all of the following:

(1) Improve the health and nutrition of California school children by increasing their consumption of fresh, locally grown fruits and vegetables; seasonally grown fruits and vegetables, in coordination with, the 5 A Day-For Better Health program, as appropriate.

(2) Increase opportunities for California farmers to market directly to local schools and school districts.

(3) Provide information and technical assistance to schools and school districts, food service personnel, farmers, and produce distributors and processors regarding the demand for and the availability of fresh, locally grown fruits and vegetables; and the availability of fresh and seasonal local, regional, and California-grown farm products.

1 (4) Identify and eliminate barriers to successful
2 implementation of local Farm to School programs.

3 (5) Promote successful models and strategies for local Farm to
4 School programs to school districts, food service personnel,
5 farmers, distributors, and processors.

6 9105. (a) The program shall be implemented to the extent
7 ~~feasible within existing resources and any other funds that may~~
8 ~~be secured~~ *funds are available from sources identified in this*
9 *section.* The department, CDFA, and DHS are encouraged to
10 seek funding for the program from all available sources,
11 including, but not limited to, federal funds awarded to California
12 pursuant to the Specialty Crop Competitiveness Act of 2004
13 (Public Law 108-465) and the Child Nutrition and WIC
14 Reauthorization Act of 2004 (Public Law 108-265), other federal
15 funds, private funds, or state funds appropriated by the
16 Legislature. The department shall collaborate, *as appropriate,*
17 with CDFA and DHS to secure nonstate funds, including public
18 and private grants, to implement the program.

19 ~~(b) In order to use available funds most efficiently, the~~
20 ~~department, CDFA, and DHS may contract with qualified~~
21 ~~organizations, including organizations with demonstrated~~
22 ~~expertise in implementing Farm to School programs, to carry out~~
23 ~~the purposes of this act.~~

24 *(b) The department may, at its sole discretion, contract with*
25 *qualified organizations, including organizations with*
26 *demonstrated expertise in implementing Farm to School*
27 *programs, for general or specialized services to implement this*
28 *article, including personnel, marketing, public relations,*
29 *training, research, evaluation, and administration.*

30 9106. The department shall establish a Farm to School
31 interagency working group to coordinate and advance the work
32 of the program. The working group shall include representatives
33 of the department, CDFA, and DHS. The working group shall
34 seek the participation and input of interested stakeholders,
35 including, but not limited to, school districts, food service
36 directors, farmers, food distributors and processors, and farm
37 organizations with expertise in Farm to School programs, and
38 nonprofit organizations with expertise in community food
39 security. The working group shall advise the department on
40 needed actions and effective strategies to implement the

1 California Farm to School Child Nutrition Improvement
2 Program.

3 9107. (a) The department shall offer voluntary farm to school
4 workshops *and training sessions* to school food service directors
5 and personnel on the purchasing and use of seasonal fruits and
6 vegetables from local farmers for use in federally reimbursable
7 meal programs and other meals served on campus. *Training*
8 *sessions shall promote school lunch program marketing*
9 *strategies that link to other on-campus nutrition activities,*
10 *including but not limited to, nutrition education in the classroom,*
11 *school gardens, and cooking demonstrations.* To the extent
12 feasible, the workshops *and training sessions* may be offered in
13 conjunction with other nutrition outreach and education programs
14 sponsored by the department. ~~The department may contract with~~
15 ~~qualified organizations, including organizations with~~
16 ~~demonstrated expertise in working with school food service~~
17 ~~personnel in Farm to School programs, to carry out the purposes~~
18 ~~of this section.~~

19 (b) The department shall incorporate into existing nutrition
20 education *and training* programs, including, as appropriate,
21 nutrition courses offered to child nutrition personnel through the
22 California Professional Nutrition Education and Training Centers
23 (CAL-PRO-NET) and menu planning courses through the School
24 Meals Initiative, the opportunity for school food service
25 personnel to voluntarily receive training related to the purchasing
26 and use of seasonal fruits and vegetables from local farmers for
27 use in federally reimbursable meal programs and other ~~meals~~
28 *foods* served on campus.

29 ~~9108. (a) (1) The Legislature finds and declares that the~~
30 ~~DoD Farm to School Program buys farm-grown fruits and~~
31 ~~vegetables within a state for sale within that state to participating~~
32 ~~school districts, using the existing DoD procurement,~~
33 ~~transportation, and storage system within the state to maximize~~
34 ~~efficiency and minimize costs to schools.~~

35 ~~(2) The Legislature further finds and declares that the DoD~~
36 ~~Farm to School Program has been significantly underused in~~
37 ~~California and provides opportunities to increase the purchase of~~
38 ~~California-grown fruits and vegetables for consumption in~~
39 ~~California schools.~~

~~(b) The department and CDFA shall work with the DoD Farm to School Program to establish a Farm to School Partnership that will maximize the purchase of fruits and vegetables by DoD from California farmers, with an emphasis where feasible on the sale to schools of locally grown fruits and vegetables.~~

~~(c) In order to assist school districts and food service directors wishing to implement a Farm to School program and increase purchase of locally and California grown fruits and vegetables, the department shall work with DoD to identify food products on the offering list that are sourced in California through the DoD Farm to School Program.~~

9108. (a) *The Legislature finds and declares all of the following:*

(1) *The Fresh Fruit and Vegetable Program of the United States Department of Defense is authorized to purchase farm fresh fruits and vegetables directly from farmers within a state for sale within that state to participating school districts, using the existing procurement channels of the department and state and private transportation and storage systems to maximize efficiency and minimize costs to schools. When used for this purpose the program is referred to as the DoD Farm to School Program.*

(2) *In states where the DoD Farm to School Program is being used to distribute farm fresh products from within the state to school districts within the state there is a measurable financial benefit to the state's farmers and increased availability of fresh produce through the school meal program.*

(3) *California has not established a DoD Farm to School Program and the Fresh Fruit and Vegetable Program of the United States Department of Defense has been significantly underused in California for the purpose of distributing farm fresh produce to California school districts from farmers within the state.*

(4) *The creation of a DoD Farm to School Program would provide opportunities to increase the purchase of California grown fruits and vegetables for consumption in California schools.*

(b) *The department and CDFA shall work with the United States Department of Defense to implement a DoD Farm to School Program in California in order to maximize the purchase*

1 of fruits and vegetables by the United States Department of
2 Defense from California farmers for purchase by school districts.

3 (c) The department shall work with CDFA, buyers from the
4 United States Department of Defense, and private entities in
5 order to identify farmers that can supply the DoD Farm to
6 School program.

7 (d) In order to assist school districts and food service directors
8 wishing to implement a Farm to School program and increase
9 the purchase of locally, regionally, and California grown fruits
10 and vegetables by California school districts, the department,
11 with support from the United States Department of Defense and
12 private entities, shall identify on all of its offering lists the source
13 of all seasonal California produce that is available through the
14 DoD Farm to School Program.

15 ~~(d)~~

16 (e) In carrying out this section, the department and CDFA may
17 consult or contract with any private organization that has
18 experience working with ~~the DoD Farm to School~~ farmers and
19 schools implementing Farm to School programs and the United
20 States Department of Defense Fruit and Vegetable Program in
21 California.

22 9109. (a) The Legislature finds and declares all of the
23 following:

24 (1) The Child Nutrition and WIC Reauthorization Act of 2004
25 (Public Law 108-265) authorizes ~~funding for projects the Farm~~
26 ~~to Cafeteria and School Gardens Program in order to improve~~
27 ~~access to local foods in schools and provides a 75-percent match~~
28 ~~schools. The competitive grants program of the act provides a 75~~
29 ~~percent match to other funds raised by the schools and other~~
30 ~~qualified entities.~~

31 (2) The Specialty Crop Competitiveness Act of 2004 (Public
32 Law 108-465) authorizes funding of ~~Forty-four~~ forty-four million five
33 hundred thousand dollars (\$44,500,000) annually to states to
34 promote the purchase of specialty crops. When these funds are
35 appropriated, California is expected to receive approximately 50
36 percent of these funds.

37 (3) Seed grants can be key to establishing successful local
38 farm to school programs, by providing early funding for
39 planning, training for food service staff, equipment purchases,

1 development of procurement procedures for local produce,
2 outreach to local farmers, and related activities.

3 *(4) The federal Farm to Cafeteria and School Gardens*
4 *program provides a model for the types of activities that should*
5 *be covered by a state seed grant program, and the allowable*
6 *grantees for such a program.*

7 ~~(b) The department, to the extent funding is available, shall~~

8 *(b) The department, subject to the conditions of Section 9105,*
9 *shall administer a Farm to School seed grant program to improve*
10 ~~access to local foods in schools and assist school districts in~~
11 ~~establishing and maintaining local farm to school programs.~~
12 *assist school districts, farmers and others directly involved in a*
13 *farm to school program in carrying out the purposes of this*
14 *article. Grants shall be awarded on a competitive basis, in*
15 *amounts determined by the department, to school districts and*
16 ~~nonprofit organizations to carry out activities to establish and~~
17 ~~maintain farm to school programs that procure locally produced~~
18 ~~foods from small and medium-sized farms for school meals. The~~
19 *organizations to carry out the purposes of this article. The*
20 *department shall seek the advice of the Farm to School*
21 ~~interagency working-group group, and refer to the federal Farm~~
22 *to Cafeteria and School Gardens program, in establishing*
23 *criteria for and implementing the seed grant program.*

24 *(c) The department, CDFA, and DHS shall make all feasible*
25 *efforts to secure federal funding, and to assist school districts, as*
26 *feasible, in securing federal funding, as made available through*
27 *the Child Nutrition and WIC Reauthorization Act of 2004 (Public*
28 *Law 108-265) and the Specialty Crop Competitiveness Act of*
29 *2004 (Public Law 108-465) and other available sources, to*
30 ~~provide funds for seed grants. To the extent funds are secured~~
31 ~~through the Child Nutrition and WIC Reauthorization Act of~~
32 ~~2004 for projects to improve access to local foods in schools,~~
33 ~~priority shall be given to projects that increase the amount of~~
34 ~~locally grown fruits and vegetables in school meals. The~~
35 ~~department also shall seek to maximize opportunities to use other~~
36 ~~nonstate sources of funds to meet all or part of the state's~~
37 ~~25-percent match to qualify for funding through the Child~~
38 ~~Nutrition and WIC Reauthorization Act of 2004. provide funds~~
39 *for seed grants.*

SEC. 2. Chapter 5 (commencing with Section 43600) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 5. FARM TO SCHOOL

43600. It is the policy of the state to encourage and take all feasible steps to increase the *direct* purchase of locally grown and California grown farm products by public schools and to assist school districts and farmers in establishing and maintaining successful Farm to School programs. It is further the policy of the state to, *as feasible*, expand the Farm to School concept to other public institutions, including, but not limited to, universities, public hospitals, and correctional facilities.

43601. (a) The department, in collaboration with the California Farm to School Child Nutrition Improvement Program implemented pursuant to Article 3 (commencing with Section 9100) of Chapter 10 of Part 6 of the Education Code, shall, to the extent funding is available, provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a ~~local~~ Farm to School program. The outreach and assistance shall emphasize voluntary local workshops and training sessions where farmers can receive hands-on advice and training on opportunities and strategies to ~~sell to local and market their farm fresh products directly to schools. Training sessions shall promote farmers working with schools to market the farm fresh products that are offered in the cafeteria and offer hands-on nutrition education through activities such as, but not limited to, farm visits, agricultural demonstrations, and farmer visits to schools.~~

~~(b) The department may contract with qualified organizations, including organizations with demonstrated expertise in implementing farm to school programs, to carry out the purposes of this section.~~

(b) The department may, at its sole discretion, contract with qualified organizations, including organizations with demonstrated expertise in implementing Farm to School programs, for general or specialized services to implement this chapter, including personnel, marketing, public relations, training, research, evaluation, and administration.

1 (c) To the extent feasible, the department shall make the
2 outreach and technical assistance information provided pursuant
3 to this section available through the department's Internet Web
4 site.

O